



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 02
317 E. POE RD. • BOWLING GREEN, OH 43402 • 419-353-8131

Environmental Document for **LUC CR 500 2.6 MLK Boardwalk PID 111525** **Environmental Document Level: C2**

Approved: 1/20/2023

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The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2020, and executed by FHWA and ODOT.

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PID:	111525
Project Sponsor:	Toledo Area Metropark District
ODOT District:	2
Funding Source:	Federal
Private Funding:	No
Project Description:	



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The City of Toledo in cooperation with Toledo Area Metroparks and the Ohio Department of Transportation (ODOT) propose to construct a 12' wide 812' long boardwalk/trail to connect International Park and Glass City Metropark under the MLK Bridge in the City of Toledo, Lucas County. This proposed new boardwalk will connect with an existing trail in International Park and a trail currently under construction in Glass City Metropark. The project is part of the planned Riverwalk development and Metroparks trail development plan.

There will be no required temporary or permanent right-of-way based on the status of pending change in transferring ownership of the International Park land, which is owned and maintained by the City of Toledo to the Metroparks prior to construction of the proposed project.

One stream (Maumee River) will have approximately 222 linear feet of impact due to the multi-use path construction includes a boardwalk which is below the Ordinary High-Water Mark (OHWM) and will require a USACE permit.

Approximately 0.008 acres of Wetland A will be impacted. There is no suitable wooded habitat (SWH) for bats and no presence of bats was observed in the project site. The project is not located within a USFWS bat buffer zone. A colony of nesting birds was observed. Approximately 50 visible nests along the entirety of both sides of MLK bridge. Impacts to the species are unlikely. These impacts are described in the Ecological section. There is no suitable habitat for any other federally or state listed species within the project area.

The Maumee River is a Group 3 stream according to the 2020 Ohio Mussel Survey Protocol. Mussels are present in the project area and anticipated to be impacted by the project activities. A relocation of the mussels will be conducted prior starting of instream construction activities.

The project is located within a regulated floodplain. Appropriate floodplain permitting will be obtained prior the start of construction and the required public notification has been posted on the ODOT website. The project will be designed to meet the requirements of the national Flood insurance Program.

The project is located adjacent to International Park and Glass City Metropark, both properties are protected Section 4(f) resources. International Park is currently owned and maintained by the City of Toledo, but they committed to transferring ownership of this park to Toledo Metroparks prior to construction of this project. Based on the pending change in ownership, the project will not require any temporary or permanent right-of-way from this park. Glass City Park is owned and maintained by Toledo Metroparks, the project sponsor, therefore no temporary or permanent right-of-way will be required from this park. Based on coordination with the Official with Jurisdiction and in accordance with 23 CFR 774.13(g), ODOT-OES Policy Staff determined on October 7, 2022 that the project will preserve and enhance the parks and will not adversely affect the protected recreational activities, features, or attributes associated with International Park and Glass City Metropark. International Park and Glass City Metropark are also recognized Section 6(f) properties. ODOT-OES Policy Staff determined on October, 2022 the project can be proceed as a Maintenance Type Project in accordance with Section B of the Section 6(f) Memorandum of Agreement executed July 11, 2018.

The Maumee River Water Trail is also a recognized Section 4(f) recreational property. Based on coordination with Official with Jurisdiction and in accordance with 23 CFR 774.13(d), ODOT-OES Policy determined on October 7, 2022 that the temporary occupancy of land associated with the Maumee River Water Trail, will not constitute a use upon the project recreational activities, features, or attributes. See the Section 4(f) and 6(f) documentation and coordination in the project file/Section 4(f) and Section 6(f).

No other environmental, cultural resources, hazardous materials, or underserved population impacts will result from this project.

Letters were sent to adjacent property owners on August 24, 2022, providing notification of the project and an opportunity to comment on the project. A flyer was hand delivered to Marina Lofts office for distribution to residents on July 13, 2022 also providing notification of the project and an opportunity to comment. No comments were received.

The environmental document and associated studies are being approved using Stage 2 design. A copy of the plans is included in the project file.

STIP Reference #:

111525: 21-24 STIP

Select the appropriate project type:

(26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section. ***Examples include: Joint or limited use of right-of-way where the proposed use would have minimal or no adverse social (including highway safety), economic or environmental impacts; Installation of new noise walls and other new noise mitigation projects;***



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Construction of highway safety and truck escape ramps; Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths, or facilities and trailhead parking that do not otherwise qualify for a C1 designation; Beautification or facility improvement projects (i.e. landscaping, curb and gutter installation and replacement, ADA ramps/curb ramps, installation of park benches, decorative lighting, etc.); Construction of alternative energy facilities (fuel tank farms, wind turbines, etc.)

In accordance with 23 CFR 771.117(e), the proposed project cannot be processed as a C2 CE, if it involves -

1. a. Acquisition of more than a minor amount of right-of-way
2. b. Residential or non-residential displacements
3. c. A Coast Guard, Individual Section 404 and/or a Section 10 permit
4. d. A Section 106 finding of *Adverse Effect*
5. e. A Section 4(f) Programmatic or Individual Evaluation
6. f. A finding of *May Affect, Likely to Adversely Affect* to Threatened and Endangered Species
7. g. Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions
8. h. Changes in access control
9. i. Floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths)
10. j. Construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers
11. k. No minor public or agency controversy on environmental grounds (no opposition from any organized groups or agencies and no unresolved environmental coordination)
12. l. If an EJ Analysis Report is required, the project must be processed as a D-level CE or higher level document

For certification purposes, documentation is required to illustrate no significant impacts will occur to the following environmental resources and that no unusual circumstances exist that would warrant a higher level of NEPA document. Upload all supporting documentation to the project file.

Waterways:	Present; No Coast Guard, Individual 404, and/or Section 10 Permit required
Waterways Permit Type:	Permit Determination and/or Permit Application Approval Pending
Isolated Wetland Permit	No
Will any wetlands be impacted?	Yes
Endangered Species:	Present; No finding of May Affect, Likely to Adversely Affect
Endangered Species - Coordination	No Effect
100-Year Floodplain:	Encroachment Within the SFHA is a Functionally Dependent Use
EO 11988/NFIP Coordination and Documentation Completed:	No



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Section 4(f):

Present; No Programmatic
Evaluation or Individual Evaluation
Required

Section 4(f) Determination:

Temporary No Use Exception - 774.13(d)

Transportation Enhancement Exception - 774.13(g)

Section 4(f) Determination Date - 774.13(d)

10/07/2022

Section 4(f) Determination Date - 774.13(g)

10/07/2022

Section 6(f):

Present; No 6(f) Conversion
Required

Section 6(f) Determination:

Maintenance

Section 6(f) Determination Date:

10/07/2022

Cultural Resources:

Present; No Finding of Adverse
Effect

Cultural Resources Coordination:

Minimum Potential to Cause Effect
Appendix B

**Cultural Resources Coordination - ODOT Approval/SHPO
Concurrence Date**

07/20/2021

Tribal Consultation Summary/Remarks:

The Miami Tribe of Oklahoma was notified of the project on July 20, 2021. The tribe did not provide any response within 30 days comment period.

Projects that meet C2 criteria are not anticipated to have impacts to the following environmental resources. If resources are present, documentation is only required if there is a potential for impacts.

Air Quality:

Studies Not Required

Air Quality - Coordination with OES:

No

Noise:

Studies Not Required

Noise Coordination - OES Approval Date:

05/04/2022

Hazardous Materials - ESA Screening Conducted

Yes

Hazardous Materials - OES Approval Date:

06/08/2022

Phase I ESA Warranted Based on Coordination with OES:

No Further Studies Warranted

Farmland:

Urbanized Area; No Impacts in
Accordance With the Farmland MOU
and 7 CFR 658

Scenic Rivers

No National Wild and Scenic River
Within 1000 Feet of the Proposed
Project Area



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Projects that meet C2 criteria must be in accordance with ODOT's UP Guidance and activities conducted for Public Involvement are commensurate to the project's type and scope of work.

Underserved Populations

Present; No UPIAR Required, Does Not Exceed UP Guidance Criteria, and No Issues Raised During Public Involvement

Identified Underserved Populations

Census Block Group #	% Minority	% Low Income	% Older Adults	% Limited English Proficiency (LEP)
390950047014	13	80	10	0
390950048001	35	77	7	2

Underserved Populations Remarks

According to the ODOT's TIMS, the EJ population percentages are: Minority population is 13 - 35 percent; Low Income population is 77 - 80 percent; older adult population is 7 - 10 percent; and the Limited English Proficiency (LEP) is 0-2 percent population.

The proposed project will have no disproportionately high and adverse effects to minority or low-income populations or disparate impacts to a Title VI population based upon the table above, the attached mapping, and the answers to the questions above. No concerns related to impacts on Environmental Justice or Title VI populations were raised as a result of public involvement activities conducted as part of the proposed project. Therefore, in accordance with the protections of Executive Order 12898, FHWA Order 6640.23A and Title VI of the Civil Rights Act of 1964, no further analysis is required.

The proposed project will have no substantial impacts to Limited English Proficiency, Older Adults, and Individuals with Disabilities Populations based upon the table above, the attached mapping, and the answers to the questions above. No concerns related to impacts on these Underserved Populations were raised as a result of public involvement activities conducted as part of the proposed project. Therefore, in accordance with the protections of the Age Rehabilitation Act of 1973, Discrimination Act of 1975, Americans with Disabilities Act of 1990, and Executive Order 13166, no further analysis is required.

Based on the above findings an Underserved Populations Impact Analysis Report is not required.

The Census mapping may be found in the project file under Underserved Populations.

Public Involvement:

Minimum PI Requirements Met; No Minor Public or Agency Controversy on Environmental Grounds

Environmental Commitments

Yes



Ecological

Wetlands

ESR Name:	Wetland ID:	Hydrologic connection:	Wetland category:	Estimated total size (ac.):	Total estimated impact area by alternative (ac.):
LUC-500-2.6 MLK Boardwalk	Wetland A	Adjacent	Category 1	0.059	0.008

Has an Approved and/or Preliminary Jurisdictional Determination been made by the USACE? No

Total impact to all wetlands (ac.): 0.008

Total acres of non-isolated wetlands impacted: 0.008

Total acres of isolated wetlands impacted: 0

In accordance with Executive Order 11990 - USDOT Order 5660.1A, this Wetland Finding has been prepared to document that wetlands have been avoided to the extent possible to minimize the long and short term adverse impacts associated with the destruction or modification of wetlands, and to document that there are no practicable alternatives to avoid construction in wetlands.

An analysis of the 'Do Nothing' alternative indicates that it is not practicable because (check all that apply):

It Would Not Correct Safety Hazards.

An analysis of improvements that avoid all wetland impacts indicates that they are not practicable because (check all that apply):

They Will Substantially Increase Project Costs.

They Will Not Meet the Identified Needs of the Project.

Include justification supporting the decisions noted above:

The project is being designed to minimize impacts to the wetlands.

All practicable measures have been considered and incorporated into the project design to avoid, minimize, wetland impacts. The wetland impact minimization measures that will be followed for the project are documented in the environmental commitments for the project. Wetland mitigation for unavoidable impacts will be provided if required by the Clean Water Act or Ohio isolated wetland law, as regulated by the US Army Corps of Engineers and Ohio EPA regulations (33 CFR parts 325 and 332 and 40 CFR part 230, and OAC 3745-01-54), and (ORC 6111.027). No practicable alternatives exist for



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the proposed construction in wetlands, and the proposed action includes all practicable measures to minimize harm to the wetlands that may result from such use.

Remarks:

N/A



Environmental Commitments

C2

- 1) Hire a State permitted malacologist to complete a mussel salvage and relocation in accordance with the most recent version of the Ohio Mussel Survey Protocol prior to the initiation of construction activities below the ordinary high water mark of Maumee River. The mussel survey must occur after May 1 and before October 1 either within the same season as the instream work or the season prior to the instream work. Submit the results of the mussel survey, salvage work, or both to the ODOT District Environmental Coordinator [Phoenix Golnick, 419-373-4329].
- 2) The Project Designer shall incorporate the following note into the plans: Due to the known presence of Cliff Swallows and their nests within the project area, the Contractor shall remove all bird nests on the sub structure of the bridge between October 1 and March 1 and keep nesting birds off until construction begins. The contractor shall not harm or kill any birds. If any bird nest is found on the bridge within the project work limits, crews shall wait until the species has moved off the project site unharmed before work can continue.
- 3) The Toledo Metroparks will obtain the floodplain permit prior to plan file.
- 4) Toledo Metroparks will obtain all appropriate waterway permits prior to any work within the jurisdictional boundary of any waterway, including wetlands, and all applicable waterway permits will be included in the plans and adhered to during construction.
- 5) The Project Designer shall incorporate the following note into the plans: Access to Glass City Metropark, International Park shall be maintained at all times during construction activities, except for the time needed to temporarily occupy the property within the construction limits, which shall be less than the time needed for construction.
- 6) The Project Designer shall incorporate the following note into the plans: The contractor shall install temporary construction fencing along proposed construction limits on the day construction starts to protect the Glass City Metropark, International Park, and the public.
- 7) The Project Designer shall incorporate the following note into the plans: Appropriate signage shall be installed to alert users of International Park and Glass City Metropark of construction activities, if in proximity to recreational facilities or features and to direct users to secondary access points.
- 8) The Project Designer shall incorporate the following note into the plans: The contractor shall be required to closely coordinate the construction schedule with Metroparks Toledo, City of Toledo, City of Toledo Parks, Recreation, and Youth Services, and ODOT 30 days prior to the start of construction activities.
- 9) The Project Designer shall incorporate the following note into the plans: Canoe traffic shall be maintained throughout construction of the project either through existing river channel or through portage trail approved by the Engineer.
- 10) The Project Designer shall incorporate the following note into the plans: Presence of boating traffic is possible throughout construction and the Contractor shall accommodate safe travel through the project area.



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11) The Project Designer shall incorporate the following note into the plans: Adequate signing both upstream and downstream shall be installed and maintained by the Contractor based on project activities.

The following type signs are considered to be minimum treatment:

- Approximately one-quarter mile upstream, advanced warning type signs on both banks.
- Approximately 300 feet downstream, signs specifying actions required of canoeist of both banks.

The above signing shall be mounted in such a way to be a minimum of 4 feet above the water level, unobstructed by tree branches, and properly angled for maximum visibility from the main clear channel. The method of supporting the signs shall be approved by the Engineer prior to installation. Upon completion of the project, the signs and support system shall be completely removed from the river channel.



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Preparers and Approvals

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Approvals & Electronic Signatures

Approved & Electronically Signed By:	Approval Date:
Phoenix Golnick (PROGRAM ADMIN 3)	1/20/2023



Appendix

General

Aerial Map.pdf

County Map.pdf

USGS Quadrangle Topographical Map.pdf

ESA

District Recommendations - Screening.pdf

Cultural Resources

Minimal Potential to Cause Effect - Appendix B

Ecological

ODNR Scenic River MOA Conditions

USFWS/ODNR Ecological MOA Conditions

Other Resources

Census Bureau Urbanized Area Map.pdf

Water Source Protection Area Map.pdf

Well Log Data.pdf

Section 4(f)

OES Recreational 4(f) Determination -2.pdf

OES Recreational 4(f) Determination.pdf

Recreational Boating Review Form.pdf

Section 6(f)

OES Approval - Maintenance.pdf

Underserved Populations

Census Mapping.pdf

Public Involvement

PI Flyer - Marina Lofts.pdf

Property Owner Notification Letter.pdf

Public Notification Mailing List.pdf

Permits

Coordination with Local Floodplain Administrator.pdf



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FEMA FIRM.pdf

Statement of Findings.pdf